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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,287	04/10/2000	Matthias Graf	017399/0188	2519

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FOLEY AND LARDNER
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WASHINGTON, DC 20007

EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
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1734

9

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,287

Applicant(s)

GRAF ET AL.

Examiner

Cheryl N Hawkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-12,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12,21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 10, 11, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulte (US 4,565,597). Schulte discloses a method for producing extra-wide veneer boards (abstract) including the steps of providing oncoming veneers having a producible width (Figures 2-5, final-length strips composed of strips Sa and strip sections Sd) and grain running transversely one behind the other; fastening together abutting edges of the oncoming veneers to form a strand of joined veneers having seams (Figure 5, transverse joining device 15; column 7, lines 11-25; column 8, lines 8-10), in which the seams are generally parallel to the direction of the grain (column 5, line 65 through column 6, line 1; column 5, lines 25-29; Figure 1A, veneer web5, spacing lines 3); and repetitively cutting the strand of joined veneers in a direction of the grain to form individual extra-wide veneer boards with a given extra width (Figure 5, cutting device 17, veneer sheets 18; column 7, lines 11-25).

As to Claims 10 and 11, Schulte discloses a method in which the veneers are fastened in a conventional manner, which includes sewing or by application of an adhesive strip (column 7, lines 14-23; column 8, lines 8-10).

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As to Claim 21, Schulte discloses a method in which the individual joined veneers can be produced to have only one seam (Figure 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4,565,597) in view of Bielfeldt et al. (US 5,895,546). Schulte discloses a method for the production of veneer lumber (abstract) including abutting an edge of an individual veneer to an edge of another individual veneer (Figures 2-5, final-length strips composed of strips Sa and strip sections Sd) and joining the individual veneers (Figure 5, transverse joining device 15; column 7, lines 11-25) with adhesive tape or stitching in the vicinity of the abutments (column 8, lines 8-10) to assemble at least one strand of joined veneers (Figure 5, final veneer web 16) in which the abutted edges run parallel to the grain of the individual veneers (column 5, line 65 through column 6, line 1; column 5, lines 25-29; Figure 1A, veneer web5, spacing lines 3); and cutting at least one of the strands of joined veneers in a direction parallel to the grain to produce individual extra-wide joined veneers (Figure 5, cutting device 17, veneer sheets 18; column 7, lines 11-25; column 5, lines 25-29; column 5, line 65 through column 6, line 1). Schulte does not disclose combining the extra-wide joined veneers to form endless laminated veneer lumber. Bielfeldt et al. discloses a method for the production of veneer lumber which includes combining a plurality

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of individual veneer panels by layering the individual veneer panels to efficiently form endless laminated veneer lumber that can then be cut to any desired length (Figures 1, 11, and 12; column 6, lines 4-19 and 34-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the process of Schulte to include combining the extra-wide joined veneers to form endless laminated veneer lumber as suggested by Bielfeldt et al. to efficiently form endless laminated veneer lumber that can then be cut to any desired length. It is noted that the references when combined as noted above disclose a method in which the general direction of the abutting edges of the individual veneers forming the individual extra-wide joined veneers comprising the laminated veneer lumber is generally the same, and in which the individual extra-wide joined veneers are orientated in the laminated veneer lumber such that the abutting edges are not aligned with each other and are irregularly distributed in a cross-section of the laminated veneer lumber normal to the direction of the abutting edges.

As to Claims 2 and 3, Schulte discloses that the abutting edges of the oncoming veneers are optionally treated (column 7, lines 14-23). It is noted that one of ordinary skill in the art at the time of the invention would appreciate that this optional treatment would include trimming.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4,565,597) as applied to claim 7 above, and further in view of Bielfeldt et al. (US 5,895,546). Bielfeldt et al. discloses a method (abstract) which includes gluing and pressing individual joined veneers combined one over the other and behind one another in a plurality of layers to form endless laminated veneer lumber (Figures 1, 11, and 12; column 6, lines 4-19 and

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34-51). It is noted that when combining the references as noted above the individual extra-wide joined veneers would be layered such that the seams are not in line with one another.

As to Claim 9, Schulte discloses that the abutting edges of the oncoming veneers are optionally treated (column 7, lines 14-23). It is noted that one of ordinary skill in the art at the time of the invention would appreciate that this optional treatment would include trimming. When using the extra-wide veneer boards of Schulte as noted above to produce an endless laminated wood board, it would have been obvious to one of ordinary skill in the art at the time of the invention to trim the abutting edges of the veneer that form the top and bottom cover layers to provide the endless laminated veneer lumber with an aesthetically pleasing exterior.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4,565,597) as applied to claim 7 above. Schulte is silent as to a method in which the individual extra-wide joined veneers are cut off such that the seams are distributed irregularly over the width of the individual extra-wide joined veneers. However, it is noted that the cutting device disclosed by Schulte (Figure 5, cutting device 17) can be used to cut the extra-wide joined veneer strand between the seams formed by the abutting edges of adjacent individual veneers forming the strand of joined veneers such that the seams would be distributed irregularly over the width of the individual extra-wide joined veneers.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4,565,597) in view of Bielfeldt et al. (US 5,895,546). Schulte discloses a method for the manufacture of veneer lumber which includes the steps of providing veneer boards with a

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producible length (Figures 2-5, final-length strips composed of strips Sa and strip sections Sd); bringing together the veneer boards one behind the other so that the veneer boards abut in a direction parallel to the direction of the grain of the veneer boards (Figure 5, transverse joining device 15; column 7, lines 11-25; column 5, lines 25-29; column 5, line 65 through column 6, line 1); stitching or joining the abutting veneer boards at the location of abutment to form a veneer board strand having seams at the locations of abutment (column 8, lines 8-10); cutting an over-wide veneer board of a given length from the veneer board strand in the direction parallel to the grain (Figure 5, cutting device 17, veneer sheets 18; column 7, lines 11-15; column 5, lines 25-29; column 5, line 65 through column 6, line 1). Bielfeldt et al. discloses a method for the manufacture of endless laminated veneer lumber which includes laying veneer boards in several layers over and behind one another to form endless laminated veneer lumber (Figures 1, 11, and 12; column 6, lines 4-19 and 34-51). It is noted that when combining the references as noted above the method would result in endless laminated veneer lumber such that the seams of the individual over-wide veneer boards are distributed irregularly over the width of the laminated veneer lumber and not aligned with one another and that the grain of the laminated veneer lumber runs parallel to the length of the laminated veneer lumber.

Response to Arguments

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Schulte discloses a method for the production of veneer lumber including abutting an edge of an individual veneer to an edge of another individual veneer and joining the individual veneers with adhesive tape or stitching in the vicinity of the

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abutments to assemble at least one strand of joined veneers in which the abutted edges run parallel to the grain of the individual veneers; and cutting at least one of the strands of joined veneers in a direction parallel to the grain to produce individual extra-wide joined veneers. Schulte does not disclose combining the extra-wide joined veneers to form endless laminated veneer lumber. Bielfeldt et al. discloses a method for the production of veneer lumber, which includes combining a plurality of individual veneer panels by layering the individual veneer panels to efficiently form endless laminated veneer lumber that can then be cut to any desired length. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the process of Schulte to include combining the extra-wide joined veneers to form endless laminated veneer lumber as suggested by Bielfeldt et al. to efficiently form endless laminated veneer lumber that can then be cut to any desired length. It is noted that the references when combined as noted above disclose a method in which the general direction of the abutting edges of the individual veneers forming the individual extra-wide joined veneers comprising the laminated veneer lumber is generally the same, and in which the individual extra-wide joined veneers are orientated in the laminated veneer lumber such that the abutting edges are not aligned with each other and are irregularly distributed in a cross-section of the laminated veneer lumber normal to the direction of the abutting edges.

In response to the applicant's arguments that Schulte fails to disclose that the seams of the strand of joined veneers are generally parallel to the direction of the grain of the veneers, the Examiner disagrees. Schulte discloses that initial veneer web (Figure 5, veneer web 5) is cut into strip sections Sa, Sb, and Sc (Figure 1A) such that the cuts are substantially parallel to the direction of the grain (column 5, line 65 through column 6, line 1). The strip sections are then

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joined to form final-length veneer strips (Figure 5, device 14), which would also have cut edges running substantially parallel to the direction of the grain. The abutting edges of oncoming final-length veneer strips are fastened together to form a strand of veneers (Figure 5, veneer sheets 18), which would result in a strand of joined veneers having seams that are generally parallel to the direction of the grain. Therefore, the Examiner maintains that Schulte meets the limitations of Claim 7.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

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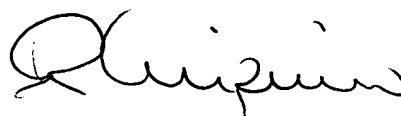
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins

Cheryl N. Hawkins 6/30/03

June 30, 2003



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